

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

NEWSLETTER

August 1, 2011

The following actions have been taken by the Division following hearings conducted before an Administrative Law Judge and the respective Licensing Committees or Boards or have been entered by Stipulation or Memorandum of Understanding from July 1, 2011 - July 31, 2011.

PHYSICIANS/SURGEONS

None in July 2011

DENTISTS/DENTAL HYGIENISTS

None in July 2011

REGISTERED NURSES/ADVANCED PRACTICE NURSES

***CANNON, Christine Felice**

License No. 4941428-3102

Docket No. 2011-246

Midvale, Utah

Cause of Action:

Respondent no longer wants to comply with probationary conditions that exist on her license.

Order:

Respondent voluntarily surrendered her license to practice as a registered nurse. Respondent may not reapply for a nursing license for a period of five years and completion of conditions outlined in this Order.

Date:

July 27, 2011

***GARDNER, Joseph Arch**

License No. 6970570-3102

Docket No. 2011-237

South Weber, Utah

Cause of Action:

Respondent no longer wants to comply with probationary conditions that exist on his license.

Order:

Respondent voluntarily surrendered his license to practice as a registered nurse. Respondent may not reapply for a nursing license for a period of five years and completion of conditions outlined in the Order.

Date:

July 11, 2011

REGISTERED NURSES/ADVANCED PRACTICE NURSES - continued

***HOLMES, Heather Ann**

License No. 285924-3102

Docket No. 2011-242

North Salt Lake, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct that affects her nursing license when she took a controlled substance from her place of employment without permission, a lawful prescription, or any other type of authorization.

Order:

Respondent's license to practice as a registered nurse was revoked with a stay of enforcement on the revocation. Said license was suspended until conditions had been met. Following the suspension, said license is placed on probation for five years with conditions and restrictions.

Date:

July 27, 2011

Amended Order:

Since Respondent had completed all conditions relating to the period of suspension prior to the Stipulation/Order being signed, the suspension was terminated on the date the July 27, 2011 Stipulation and Order was signed and Respondent's license to practice as a registered nurse was placed on probation consistent with the July 27, 2011 Order.

Date:

July 27, 2011

***LARSEN, Melanie M.**

License No. 318656-3102

Docket No. 2011-236

Layton, Utah

Cause of Action:

Respondent has engaged in unprofessional and unlawful conduct as the result of her use of drugs.

Order:

Respondent's license to practice as a registered nurse was revoked with a stay of enforcement on the revocation. Said license is suspended until conditions outlined in the Order have been successfully completed. Following the period of suspension, said license will be placed on probation for five years with conditions and restrictions.

Date:

July 7, 2011

***ROACH, Katherine Lee**

License No. 7914260-3102

Docket No. 2011-244

Provo, Utah

Cause of Action:

Respondent has engaged in conduct, including the use of controlled substances and other medications, to the extent that the conduct might reasonably be considered to impair her ability to safely practice as a nurse.

Order:

Respondent's license to practice as a registered nurse was revoked with a stay of enforcement on the revocation. Said license is suspended for a period of at least 6 months and until such time as Respondent successfully completes conditions outlined in the Order. Following the period of suspension, said license will be placed on probation for five years with conditions and restrictions. Respondent was also ordered to pay a \$500 fine within 90 days.

Date:

July 27, 2011

LICENSED PRACTICAL NURSES

***HALEEN, Marianne**

License No. 146611-3101

Docket No. 2011-235

Gunnison, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct in her practice of nursing with respect to the reuse of legend drugs and controlled substances in a health care facility.

Order:

Respondent was given a public reprimand for the above conduct and also ordered to cease and desist from engaging in such conduct in the future.

Date:

July 7, 2011

PHARMACISTS/PHARMACY TECHNICIANS/PHARMACIES

***TERRACE PHARMACY**

Class A pharmacy

License No. 362498-1703/8913

Docket No. 2009-270

Ogden, Utah

Cause of Action:

Respondent engaged in unprofessional conduct in its practice as a Class A pharmacy.

Order:

Respondent voluntarily surrendered its license to practice as a Class A pharmacy and to dispense controlled substances. Respondent may not reapply for a pharmacy license for a period of five years from the Order date.

Date:

July 14, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS

***ALL AMERICAN CONSTRUCTION, INC.**

License No. 1458007-5501

Docket No. 2011-77

South Jordan, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent is required to post a \$150,000 license bond within 30 days of the Order date and the bond shall remain in effect for at least one year. Respondent's license to practice as a contractor shall be revoked effective 30 days from the Order date if the \$150,000 license bond is not posted within the 30 day time period. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

July 27, 2011

***BRANDT A. CHILD INC.**

License No. 261673-5501

Docket No. 2011-173

Centerville, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

July 27, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***CARVER, Douglas Dean**

Master Electrician
License No. 183693-5502
Docket No. 2011-241
Sandy, Utah
Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when he failed to perform the duties of a qualifier in the position of a W-2 employee or as an owner of the Paul Carver contractor company and also engaged in other conduct that relates to his license.

Order: Respondent was ordered to pay a \$500 fine within 30 days. Respondent shall immediately cease and desist from working as an independent contractor in Utah until Respondent is licensed as a contractor in Utah. Respondent shall not serve as a qualifier for any contractor, including Paul Carver, Utah license 6429195-5501, until and unless the probationary period is successfully completed. Respondent's license to practice as a master electrician is revoked with a stay of enforcement on the revocation. Said license is placed on probation for three years with conditions and restrictions.

Date: July 27, 2011

***CURT J. MILLER**

License No. 6569997-5501
Docket 2011-174
Riverton, Utah
Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order: Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date: July 27, 2011

***C W CONSTRUCTION, LLC**

License No. 5724944-5501
Docket No. 2011-199
Provo, Utah
Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order: Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date: July 27, 2011

***EURO CRAFT CABINETRY & DESIGN, INC.**

License No. 5129842-5501
Docket No. 2011-225
West Jordan, Utah
Cause of Action:

Respondent has engaged in unprofessional conduct due to financial responsibility matters.

Order: A license to practice as a contractor was reissued to Respondent and said license was placed on probation for four years with conditions.

Date: July 27, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***GILL'S DRYWALL & CONSTRUCTION, INC.**

License No. 5093211-5501

Docket No. 2011-190

Herriman, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

July 27, 2011

***KLEINFELDER WEST, INC.**

License No. 313281-5551

Docket No. 2011-131

Salt Lake City, Utah

Order to Set Aside and Order of Dismissal:

The Division's May 25, 2011 Order was set aside based on the fact that Respondent voluntarily surrendered/nondisciplinary its contractors license to the Division on May 16, 2011. As a result, this proceeding is now dismissed without prejudice.

Date:

July 5, 2011

***MILESTONE TILE & MARBLE, INC.**

License No. 5213894-5501

Docket No. 2011-189

West Jordan, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

July 27, 2011

***RANDY MEEK/MEEK ROOFING**

License No. 361156-5501

Docket No. 2011-240

Weston, Idaho

Cause of Action:

Respondent engaged in unlawful and unprofessional conduct as a result of financial responsibility matters.

Order:

Respondent's license to practice as a contractor was renewed/reinstated and said license was placed on probation for ten years with conditions. Respondent was also ordered to pay a \$500 fine within 90 days.

Date:

July 27, 2011

***SCOTT JENSEN**

License No. 363296-5501

Docket No. 2010-160

Diamond Valley, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a contractor was terminated and said license was reinstated with full privileges.

Date:

July 27, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***SEAN FOOTE CONSTRUCTION, LLC**

License No. 7607484-5501

Docket No. 2010-226

Highland, Utah

Amended Order:

The probationary condition requiring Respondent to obtain and maintain a standard license surety bond in the amount of \$50,000 was terminated effective the date of the Order.

Date:

July 27, 2011

***ST. GEORGE ROOFING, INC.**

License No. 5179561-5501

Docket No. 2011-180

St. George, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

July 27, 2011

***THE DAN HOLA COMPANY, INC.**

License No. 7622587-5501

Docket No. 2011-179

Salt Lake City, Utah

Cause of Action:

Respondent failed to replace its S200 classification qualifier.

Order:

Respondent's S200 license classification only on its license to practice as a contractor was revoked effective the date of the Order.

Date:

July 27, 2011

***TRIVIS, INC.**

License No. 7703923-5501

Docket No. 2011-202

Buckeye, Arizona

Cause of Action:

Respondent failed to replace its B100 classification qualifier.

Order:

Respondent's license to practice as a contractor in the B100 classification is revoked effective the date of the Order. It should be noted that since the B100 classification is the only classification on this license, the entire license will be revoked effective the date of the Order.

Date:

July 27, 2011

OTHER REGULATED PROFESSIONS

***BERNHARD, Lynn Jeffrey**

Professional Engineer
License No. 151236-2202
Docket No. OSC-2-2004-257
Taylorsville, Utah
Cause of Action:

Respondent failed to comply with the restriction prohibiting him from engaging in any structural engineering that exists on his license to practice as a professional engineer.

Order:

Respondent's license to practice as a professional engineer was suspended effective the date of the Order. The suspension shall continue until such time as Respondent has passed the PE examination which includes a structural emphasis and he has submitted documentation to the Board for its review of his successful completion of that examination.

Date:

July 12, 2011

***EASTMAN, David Paul, OD**

Optometrist
License Nos. 265728-9934/8908
Docket No. 2011-234
Enoch, Utah
Cause of Action:

In 2010, on multiple occasions, Respondent knowingly and intentionally submitted health care claims to the Utah Medicaid Program which were false and reflected purported optometric services to patients that were never rendered.

Order:

Respondent voluntarily surrendered his licenses to practice as an optometrist and to administer and prescribe controlled substances. Respondent may not reapply for an optometry license for a period of five years.

Date:

July 7, 2011

***FONAU, Josie Lynn**

Master Esthetician
License No. 6013769-1109
Docket No. 2011-239
Salt Lake City, Utah
Cause of Action:

Respondent engaged in unprofessional conduct in her practice as a master esthetician when in 2009 she conducted a laser treatment on a patient/client which resulted in burns to the area treated. The patient/client was never examined by, nor treated by, a medical practitioner at any time before or during the course of Respondent's treatment of the patient/client.

Order:

Respondent was given a public reprimand for the above conduct and also required to meet with the Barbering, Cosmetology/Barbering, Esthetics, Electrology and Nail Technology Licensing Board at its next scheduled meeting with discuss the Order.

Date:

July 14, 2011

OTHER REGULATED PROFESSIONS - continued

***GARDNER, Melanie Lea**

Cosmetologist/Barber

License No. 372441-1101

Docket No. OSC-2010-122

Wallsburg, Utah

Cause of Action:

Respondent failed to comply with a probationary condition that existed on her license.

Order:

Respondent's license to practice as a cosmetologist/barber was revoked effective the date of the Order.

Date:

July 19, 2011

***HARRIS, Robert E.**

Hearing Instrument Specialist

License No. 101620-4601

Docket No. 2006-180

Provo, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a hearing instrument specialist was terminated and said license was reinstated with full privileges.

Date:

July 1, 2011

***HARRIS, Weston T.**

Hearing Instrument Specialist

License No. 293558-4601

Docket No. 2006-180

Salt Lake City, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a hearing instrument specialist was terminated and said license was reinstated with full privileges.

Date:

July 1, 2011

***HILTON, Jessica**

Cosmetologist/Barber

License No. 351628-1101

Docket No. OSC-2009-380

Cedar Hills, Utah

Cause of Action:

Respondent no longer wanted to comply with probationary conditions that existed on her license.

Order:

Respondent voluntarily surrendered her license to practice as a cosmetologist/barber. Respondent may not reapply for a cosmetologist/barber license for a period of three years.

Date:

July 20, 2011

***HOUK, Nicholas Albert**

Unarmed private security officer

License No. 7866876-6303

Docket No 2011-232

Salt Lake City, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct that relates to his license to practice as an unarmed private security officer.

Order:

Respondent voluntarily surrendered his license to practice as an unarmed private security officer. Respondent may not reapply for a private security guard type license for a period of five years.

Date:

July 6, 2011

OTHER REGULATED PROFESSIONS - continued

***MARSHALL, Kevin T.**

Radiologic Technologist
License No. 6734111-5401
Docket No. OSC-2009-241
Salt Lake City, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on his license.

Order:

Respondent's license to practice as a radiologic technologist was revoked effective the date of the Order.

Date:

July 2, 2011

***MILLS, Jamie Rose**

Cosmetologist/Barber
License No. 7937467-1101
Docket No. 2011-233
Salt Lake City, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application for licensure.

Memorandum of Understanding and Order:

A license to practice as a cosmetologist/barber was issued to Respondent and said license was placed on probation for two years with conditions and restrictions.

Date:

July 7, 2011

***WAGNER, Spencer Arnold**

Armed Private Security Officer
License No. 6487566-6302
Docket No OSC-2009-30
Midvale, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on his license.

Order:

Respondent's expired license to practice as an armed private security officer was revoked and any residual rights to reinstate that license were also revoked.

Date:

July 5, 2011

This newsletter is now published monthly. Your comments and suggestions are welcomed. If you need further information on any material contained in the newsletter, please contact Kimberley L. at (801) 530-6088 or Carol I. at (801) 530-6626.